

BILL ANALYSIS

Senate Research Center
86R17455 SMT-D

H.B. 3314
By: Romero, Jr. (Zaffirini)
Intergovernmental Relations
5/16/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been noted that a public hearing is required for any replat planned for an area with residential restrictions. It has been suggested that because a plat that meets all local subdivision requirements must be approved, regardless of neighborhood opposition, the public hearing serves only a ministerial function, which often leaves builders and developers frustrated by neighborhood opposition and citizens frustrated after engaging in a hearing only to find no real recourse. H.B. 3314 seeks to create a more positive environment for public engagement and effective change with regard to the replatting process.

H.B. 3314 amends current law relating to certain requirements to replat certain municipal subdivision plats.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 212.014, Local Government Code, as follows:

Sec. 212.014. REPLATting WITHOUT VACATING PRECEDING PLAT. Provides that a replat of a subdivision or part of a subdivision is authorized to be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) makes no changes to this subdivision;
- (2) is approved by the municipal authority responsible for approving plats, rather than is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats; and
- (3) makes no changes to this subdivision.

SECTION 2. Amends Section 212.015, Local Government Code, by adding Subsections (a-1), (f), and (g) and amending Subsection (b), as follows:

(a-1) Requires a public hearing, if a proposed replat described by Subsection (a) (relating to requirements to which certain replats must conform) requires a variance or exception, to be held by the municipal planning commission or the governing body of the municipality.

(b) Requires notice of the hearing required under Subsection (a-1), rather than under Section 212.014 (Replating Without Vacating Preceding Plat), to be given before the 15th day before the date of the hearing by certain notifications.

(f) Requires the municipality, if a proposed replat described by Subsection (a) does not require a variance or exception, to, not later than the 15th day after the date the replat is

approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. Provides that this subsection does not apply to a proposed replat if the municipal planning commission or the governing body of the municipality holds a public hearing and gives notice of the hearing in the manner provided by Subsection (b).

(g) Requires the notice of a replat approval required by Subsection (f) to include:

(1) the zoning designation of the property after the replat; and

(2) a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

SECTION 3. Effective date: September 1, 2019.